

### **3.7 FLEXIBLE/MIXED USE DEVELOPMENT DISTRICT** (03/07, Rev. 3/22)

#### **3.7.1 Authority:**

- a. The action of the Town of Stratham, New Hampshire in the adoption of this Ordinance is authorized under RSA 674:21.II Innovative Land Use Controls and RSA 674:16 Grant of Power. This Innovative Land Use Control Ordinance shall consolidate most land use application reviews and decisions under the Planning Board's authority, as further stipulated by Section 3.7.4.
- b. This Ordinance was adopted to promote the health, safety, and general welfare of the Town of Stratham and its citizens, including to encourage land conservation and promote redevelopment of a previously developed parcel of land, conservation of land, energy and natural resources, reduction in vehicular traffic congestion, more efficient use of public funds, health benefits of a pedestrian environment, preservation of community character, education and recreation, reduction in sprawl development, and improvement of the built environment.
- c. This Section was adopted as one of the instruments of implementation of the public purposes and objectives of the Town's Master Plan. This Ordinance is declared to be in accord with the Master Plan, as required by RSA 674:2.

#### **3.7.2 Purpose and Intent.**

This section provides for the redevelopment of the former NH Community Technical College site, which is a very unique property in Stratham. This site has remained largely vacant and underutilized for many years, and the Town of Stratham recognizes that additional flexibility and creativity is necessary to help facilitate redevelopment of the property to its highest and best uses. Accordingly, this Ordinance allows for deviations of the Zoning Ordinance to be permitted by the Planning Board as part of a Conditional Use Permit review process, as stipulated under Section 3.7.4. ~~If no opportunity for change were provided for within this ordinance, proposed reuses could be limited to state, federal or other governmental institutional uses.~~

The purpose and ~~goals~~ intent of this section is to provide for the possible redevelopment of the site within the following guidelines:

- a. To encourage a mixed-use environment, which would allow opportunities to develop or provide for the adaptive reuse of existing structures where flexible performance standards would provide for the protection of abutting neighborhoods, surrounding properties and uses.
- b. To provide for ~~limited~~ appropriate commercial, office, and light manufacturing and industrial uses ~~which are similar in nature, and~~ which provide employment opportunities and strengthen the economic base of the town. Such activities should be sensitive to the natural environment, "Dark Sky" lighting standards, adjacent residential areas and other community facilities.
- c. To utilize compact village development guidelines, which would encourage the creation of human-scale development with "Town Center" pedestrian friendly spaces, centralized park areas and recreational opportunities.

- d. To encourage any new development to meet energy efficiency standards and sustainability practices.
- e. To encourage more diverse housing options in the community as part of mixed use developments.

In order to maintain protections for surrounding **residential** properties, development under this ordinance may require more stringent buffer requirements for neighboring residential zones and uses. Due to the sensitivity of the environment and potential proximity to residential areas only specific alternative uses will be permitted.

### 3.7.3 Zone Defined.

The Flex/Mixed Use Development Zone District shall include: Map 22, Lot 16.

### 3.7.4 Review Process.

1. The Planning Board shall have the authority to grant or deny a request for a Conditional Use Permit, pursuant to the provisions of RSA 674:16 and RSA 674:21.A *Conditional Use Permit*, for relief from any requirements of the Zoning Ordinance except from Section 3.7.7 Prohibited Uses, in which deviations shall require a variance from the Zoning Board of Adjustment. No Conditional Use Permit shall be granted until after proper public notice and a public hearing where the Planning Board determines that an application complies with Section 3.7.2 the *Purpose and Intent* of this Ordinance and the following criteria:
  - a) The application is consistent with the spirit of the Ordinance and the goals and vision articulated in the most recent Stratham Master Plan.
  - b) The application contributes positively to the community tax base and does not adversely affect the provision of public services and infrastructure.
  - c) The application does not adversely impact abutting property owners, including impacts related to noise, odors, and/or aesthetics.
  - d) The applications minimizes impacts on the natural environment and incorporates to the highest extent practicable.
  - e) The application provides publicly accessible spaces for the community at large and supports a pedestrian-oriented environment.
2. Any deviation from Section XI, the Wetlands Conservation District, Section XII, the Shoreland Protection District, or Section XIII, the Aquifer Protection District shall first require review and comment by the Stratham Conservation Commission.

### 3.7.5 ~~Allowed~~ Land Uses.

The following outlines land uses that are permitted, permitted by Conditional Use Permit only, and prohibited in the FMUD District. Land use definitions shall be consistent with those defined under Section II of the Zoning Ordinance and shall be subject to any

applicable limitations or prohibitions as enumerated in Table 3.6 *Table of Uses* and the *Footnotes to Table 3.6*.

~~Senior multi-family housing, congregate care facilities, retirement home or other supported or independent living arrangement for active adults.~~

- a. Professional Offices and Commercial and Personal Services ~~Medical offices, laboratory, clinic, medical support service, or short and long-term care facilities.~~
- b. Research and Development, Corporate and Business Offices.
- c. Hotels, **Bed and Breakfast Inns**, Conference Centers and related facilities.
- d. **Small and Large Restaurants.**
- e. **Brew Pubs**
- f. **Nano Breweries** (as defined under NH RSA 178:12-a)
- g. **Banks and Lending Institutions.**
- h. Retail Sales.
- i. **Multi-Family Housing and Workforce Housing.**
- j. **Agricultural Uses** as an accessory use.
- k. **Day-Care Facilities** ~~Adult, family, or child care facilities~~
- l. Educational facilities.
- m. Fitness and Health Centers.
- n. Places of Worship.
- o. Maker Spaces.
- p. Light Industrial. ~~Indoor recreation/entertainment center/health club.~~
- q. ~~Those uses currently allowed within the RA and PRE zones unless otherwise prohibited or limited within this section.~~

### 3.7.6 Uses permitted by Conditional Use Permit Only.

The following uses are permitted only via the approval of a Conditional Use Permit by the Planning Board ~~and shall only be allowed as subordinate or complimentary use to any of the above primary uses:~~

- ~~a. Multi-family housing, limited to 2-bed room units.~~
- ~~b. General commercial and/or retail, limited to a maximum of 20,000 S.F. per unit.~~
- c. **Outdoor/Recreational Uses** as outlined in Section V of the Table of Uses
- ~~d. Food service or full service restaurant, limited to a maximum of 10,000 S.F. per unit.~~
- ~~e. Banks and Lending Institutions. (drive-up and/or office) or financial service.~~
- f. Light Industrial ~~Industry.~~
- g. **Hospitals or Clinics.**

- h. Movie theaters, Indoor Entertainment Complexes.
- i. Public Utilities.
- j. Nursing Homes, Assisted Living Facilities, or Congregate Care Facilities
- k. Agricultural Uses.
- l. Social service or church/religious use.
- m. Veterinary Hospitals.
- n. Drive-through services.
- ~~o. Any other use, which may be determined by the Planning Board to be subordinate and/or accessory to a primary allowed use.~~

### 3.7.7 Prohibited Uses.

The following uses are not permitted within the Flexible/Mixed Use Development District and require the approval of a variance by the Zoning Board of Adjustment:

- a. Adult Oriented Uses.
- b. Recycling Facilities.
- c. Motor Vehicle Dealerships, Repair Garages, Body Shops, Paint Shops. ~~Automotive Sales.~~
- d. Filling Stations, Service Stations.
- e. Junk Yards, Recycling Centers.
- f. Hazardous Waste Storage.
- g. Freight and Trucking Terminals.
- h. Bulk Storage and Distribution of Goods and Fossil Fuels.
- i. Commercial Sawmills.
- j. Kennels.
- k. Parking lots or parking garages as a primary use.
- l. Airports, Runways, Control Towers, Administration Buildings, Hangars.
- m. Funeral Homes or Parlors.
- n. Self Storage & Warehousing
- o. Drug or Substance Abuse Clinics or Rehabilitation Centers
- p. Warehousing & Wholesaling Operations
- q. Affordable elderly housing
- r. Planned Retirement Communities

### 3.7.8 Multi-Family and Workforce Housing.

Multi-Family and Workforce Housing Developments in the FMUD District shall be subject to the requirements of Section 5.8 of the Zoning Ordinance except for the following

allowances or requirements stipulated below. Housing development that is age-restricted in nature, including planned retirement communities and elderly affordable housing shall be prohibited in the FMUD District.

a. Mixed-Use Development. Although multi-family and workforce housing shall be permitted as primary uses in the district, such uses are only permitted as part of a mixed-use development. A minimum of 15 percent of the gross square-footage of the development must be reserved for commercial, industrial, or institutional uses that are permitted in this district or permitted by Conditional Use Permit only.

b. Design and Density. Multi-family and workforce housing developments may take a variety of forms, including townhouse or garden-style developments. Single-occupancy units or duplexes are permitted only if they make up no more than 25 percent of the total number of housing units proposed within the development. Multi-family and workforce housing development shall be restricted to no more than **12** units per structure.

c. Well and Septic Facilities. Multi-family and workforce housing developments shall utilize community well and septic facilities. The Planning Board may require hydrology tests or other third party reviews, conducted at the applicants' expense, to ensure that well and septic facilities will not adversely affect abutting property owners or reduce access to water supplies.

#### 3.7.9 Development Standards.

Any re-use of existing structures where no major external changes are made, parking requirements do not exceed current available spaces, no increase in current septic discharge occurs and traffic impacts are not increased from previous community college use shall be treated as a minor site review by the Planning Board with expedited review and approval.

Any proposed new development shall require full site plan review by the Planning Board and comply with the following standards:

- a. All drainage shall be entirely controlled and reintegrated on-site.
- b. **To the highest extent practicable**, site layout should ~~attempt to~~ reflect a compact village style.
- c. All new construction shall follow environmentally sustainable practices and best management practices (BMPs), which would qualify for Leadership in Energy and Environmental Design (LEED) credits.
- d. All new site work shall implement Low Impact Development (LID) BMP's.
- e. All signage shall follow the standards within section 7.3 of these ordinances as allowed within the Town Center zone except for setbacks, which shall only apply to external lot lines. The Planning Board through the Site Plan Review process shall approve all internal lot line setbacks for signage.
- f. Any new development shall meet all applicable Zoning and Site Plan Regulations. ~~the requirements of Sections 5.2 Landscape Design Standards and Section 5.15 Architectural Plans of the Stratham Site Plan Review Regulations.~~
- g. **To the highest extent practicable**, publicly accessible parks, green spaces, or recreation and outdoor sitting areas shall be incorporated into the development to provide

opportunities to congregate or recreate. The Planning Board may also require that bicycle parking or electric vehicle charging stations be incorporated into the development. Additionally, for commercial or mixed-use developments exceeding 50,000 gross square-feet, or any development with 25 or more residential units, the following shall be required:

- i. Secure and sheltered or indoor bicycle storage areas shall be provided to adequately meet the needs of employees or residents.
- ii. The applicant shall work with the Town and the NH Department of Transportation to provide a pedestrian path and safe crossing across Portsmouth Avenue to provide pedestrian access from the development to Stratham Hill Park.
- iii. A minimum of 5 (five) percent of the total number of parking spaces shall include access to electric vehicle charging facilities.

In addition the Planning Board through its Site Plan Review and Subdivision application process, may require any additional standards, which shall mitigate adverse impacts from any proposed uses. The Board may require additional buffers or performance standards, which will reduce or eliminate any objectionable activities or impacts.

3.7.10 Setbacks, Dimensional Requirements, and Streetscape:

- a. Setbacks to any existing exterior lot line shall be a minimum of 100 feet.
- b. A minimum 50-foot vegetated buffer shall be provided from all exterior lot lines, except for along or within 500-feet of the Portsmouth Avenue frontage, where no vegetated buffer shall be required. The Planning Board may require a larger vegetated buffer area if it determines one is necessary to shield abutting property owners from the impacts of any new development.
- c. Setbacks for any new construction on any new interior street shall be measured as a build-to line of no less than 20'.
- d. The height of any new structures shall not exceed 35-feet.
- e. All new street construction shall provide for a sidewalk with curbing where appropriate and also where appropriate a 4' green buffer strip between the paved portion of the street and the sidewalk. To the highest extent practicable, any new development within this district shall be pedestrian-oriented in nature with structures and publicly accessible areas linked by a network of sidewalks or pedestrian paths.
- f. Any new lots within the parcel shall require no more than 50' of frontage and shall allow for zero lot-line setbacks to allow attached structures or for a 10' minimum separation between structures.